



**CITY OF FALL RIVER MASSACHUSETTS
POLICE DEPARTMENT**

***Office of Professional Standards
Public Information Office***



Albert F. Dupere
Chief of Police

Lt. Paul Santos
Sgt. J.T. Hoar
Det. John Robinson

Monday, December 10th, 2018

MuckRock News
DEPT MR 63794-78723717
411A Highland Ave
Somerville, MA 02144-2516

**RE: Public Records Request November 29th 2018
 Response of Press Information Officer**

On November 29th, 2018, the Fall River Police Department received your formal request for public records and I am informing you that the Fall River Police Department is prepared to honor it pursuant to the Massachusetts Public Records Law for the following records:

- All Communications with Atlantic Tactical, Inc. From January 15, 2015 to November 14, 2018;
- All Communications with Vance Outdoors, Inc. From January 15, 2015 to November 14, 2018;
- All Communications with Jurek Brothers, Inc. From January 15, 2015 to November 14, 2018;

With respect to your request,

- All Communications with Atlantic Tactical, Inc. From January 15, 2015 to November 14, 2018;
- All Communications with Vance Outdoors, Inc. From January 15, 2015 to November 14, 2018;
- All Communications with Jurek Brothers, Inc. From January 15, 2015 to November 14, 2018;

The Department has no records related to Toaser Contract.

The mandatory disclosure provision of the Public Records Law only applies to information that is in the custody of the Department at the time the request is received. As a result, there is no obligation for a Department to create a record for a requester to honor a request. See M.G.L. c. 4, section 7(26) (defining "public records" as materials which have already been "made or received" by a public entity); see also 32 Op. Att'y Gen. 157, 165 (May 18, 1977) (custodian is not obliged to create a record in response to a request for information); see also A Guide to the Massachusetts Public Records Law, Secretary of the Commonwealth, Division of Public Records, p. 7 (January 2013) (hereinafter Public Records Guide).

Please be advised that pursuant to 950 CMR 32.00 and M.G.L. c. 66, section 10A (a) you have the right to appeal this decision to the Supervisor of Public Records within 90 calendar days. Such appeal shall be in writing and shall include a copy of the letter by which the request was made and, if available, a copy of the letter by which the custodian responded. The Supervisor shall accept an appeal only from a person who had made his or her record request in writing. Pursuant to M.G.L. c. 66, section 10A(c), you also have the right to seek judicial review by commencing a civil action in the superior court.

Should you have any questions, please do not hesitate to contact me.

Respectfully,

Detective John Robinson
Press Information Officer
Fall River Police Department
Office of Professional Standards
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Fall River, Ma. 02722-0509
(508)676-8511 Ext. 210
Email JRobinson@FRPD.ORG

Enclosure (1) – Copy of Original Public Records Request